

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK WILLIAM BANKS,

Petitioner,

No. CIV S-05-797 MCE CHS P

vs.

MARK SHEPHERD, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus brought pursuant to 28 U.S.C. §2254. Petitioner has twice been found suitable for parole by the California parole authority, however, each of the two findings of suitability was subsequently reversed by former Governor Davis and Governor Schwarzenegger, respectively.

Respondent filed an answer on July 1, 2009, which included in its exhibits a transcript of the June 28, 2004 decision of the Board of Prison Terms and a copy of the November 24, 2004 reversal by Governor Schwarzenegger. The transcript of the earlier 2003 parole suitability hearing and the subsequent reversal by former Governor Davis do not appear in the record before this court on habeas corpus review.

A transcript of petitioner's 2003 parole suitability hearing and a copy of Governor Davis's reversal would be helpful to a determination of this action. Accordingly, pursuant to

1 Rules 5 and 7 of the Rules Governing Section 2254 Cases in the United States District Courts,  
2 respondent will be directed to furnish the court with copies of these documents.

3 Accordingly, IT IS HEREBY ORDERED that respondent furnish the court with a  
4 complete copy of the transcript(s) of petitioner's parole suitability hearing which took place in  
5 2003 and a copy of the written reversal subsequently issued by former Governor Davis within 30  
6 days of the date of this order.

7 DATED: January 11, 2009

  
8 CHARLENE H. SORRENTINO  
9 UNITED STATES MAGISTRATE JUDGE  
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